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REPLY UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER 3600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Piepenbrink <i>et al.</i>	Conf. No.:	5994
Serial No.:	09/886,160	Art Unit:	3629
Filing Date:	06/21/2001	Examiner:	Thai, Cang G.
Title:	METHOD AND SYSTEM FOR MANAGING A RELATIONSHIP WITH A VENTURE COMPANY	Docket No.:	END920010038US1 (IBME-0018)

COMMISSIONER FOR PATENTS

DESTINATION FACSIMILE NUMBER: 571-273-8300

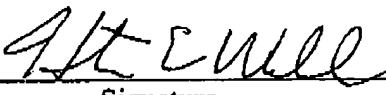
Transmitted herewith is: **NOTICE OF APPEAL** in 1 page
PRE-APPEAL BRIEF REQUEST FOR REVIEW in 4 pages
PETITION FOR EXTENSION OF TIME in 1 page

in the above identified application.

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Applicants respectfully request a panel of experienced examiners perform a detailed review of appealable issues for the above-identified patent application pursuant to the Pre-Appal Brief Conference Pilot Program. Applicants submit that the above-identified application is not in condition for appeal because the Office has failed to establish a *prima facie* case of anticipation based on an error in facts. Claims 1-35 are pending in this application.

Turning to the rejection, in the Final Office Action, claims 1-35 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Tyler *et al.* (U.S. Patent No. 5,523,942), hereafter “Tyler.” Applicants submit that this rejection is clearly not proper and without basis because at least one feature of the claimed invention is not taught by the reference. As argued in the September 21, 2005 After Final Amendment, Tyler fails to teach a venture company wherein the venture company comprises a new business entity that is seeking a relationship with an existing business entity as claimed in claim 1 of the claimed invention. See Request for Reconsideration, pages 15-16. The Office equates the new business entity of the claimed

invention with both the insurance company and the new product lines of Tyler. However, the insurance company of Tyler is not specified as being a *new business entity*, and the new product lines are product lines that may be offered by a business entity and not business entities (e.g., corporations) that are able to seek a relationship with an existing business entity. Furthermore, as argued in pages 16 and 17 of the Request for Reconsideration, the information that is entered in Tyler is not information about the insurance company or the product lines (i.e., what the Office equates with the new business entity of the claimed invention), but is instead "...information about the person for whom the policy is being designed." Tyler, Col. 5, lines 60-61.

Applicants further contend that Tyler fails to teach querying a row of the database to provide a single record of relationship information pertaining to the venture company even if the single record of relationship information is not located in a specified row and column of the database as claimed in claim 14 of the claimed invention. Request for Reconsideration, pages 17-18. As argued in the Request for Reconsideration, the passage of Tyler cited in support of the Office's contention refers to data entry instead of querying of a database and does not specify the format of the data. Furthermore, neither the passage cited by the Office nor any other portion of Tyler teaches that querying may provide a single record even if the single record is not located in a specified row and column of the database. Furthermore, as argued on pages 19-20 of the Request for Reconsideration with respect to claims 9, 26 and 30, Tyler does not teach duplicating the single record from a first column of the queried row to a second column of the queried row, but rather the name field (element 202) in the table of Tyler referred to by the Office does not contain duplicate records, but instead each entry is different (e.g., Proposal #4, Proposal #3, Proposal #2). Tyler, Fig. 5. In addition, as argued with respect to claims 4 and 11 in page 20 of

the Request for Reconsideration, the insured field (element 204) and date field (element 205) of Tyler do not teach that each row of the matrix corresponds to a separate venture company because both are illustrated as columns in the cited figure, and not one as a row and the other as a column. Tyler, Fig. 5.

Still further, Applicants submit that Tyler fails to teach evaluating the scoring data to determine whether to form a business relationship with the venture company. Request for Reconsideration, pages 18-19. As argued in the Request for Reconsideration, the data in the passage of Tyler cited by the Office is not scoring data that is based on venture information from the insurance company and/or product lines about the insurance company and/or product lines (i.e., what the Office equates with the venture company of the claimed invention), but rather is "information about the person for whom the policy is being designed." Tyler, Col. 5, lines 60-61. Furthermore, although the data in the passage of Tyler cited by the Office is required to generate a proposal, Tyler never teaches that the data is scoring data, that the data is evaluated, or that the result of the evaluation is a determination of whether to form a business relationship with a venture company. The fact that data is required does not necessitate that it be evaluated. For example, as argued on page 19 of the Request for Reconsideration, the name of the company may be data that is required but is neither scoring data nor evaluated.

Accordingly, Applicants submit that the Office has failed to state a prima facie case of anticipation, and this application is not in condition for appeal and should either be allowed as is, or re-opened for further prosecution.

With respect to the rejections of independent claims 9, 14, 15, 21, 26, 27, 30 and 32, Applicants note that each claim includes at least one feature similar to claim 1. Further, the Office relies on the same arguments and interpretations of Tyler as discussed above with respect

to claim 1. To this extent, Applicants herein incorporate the arguments presented above with respect to claim 1, and respectfully request withdrawal of the rejections of these claims for the above-stated reasons.

With respect to features in the dependent claims not specifically referenced herein, the dependent claims are believed to be allowable based on the above arguments, as well as for their own additional features.

Applicants respectfully submit that the application is not in condition for appeal. Should the examining panel believe that anything further is necessary to place the application in better condition for allowance or for appeal, they are requested to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



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Reg. No.: 54,593

Date: December 2, 2005

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